

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

77110184

## HOUSE BILL NO. 1009

Introduced by: The Committee on Local Government at the request of the Secretary of State

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning absentee voting.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 12-19-1 be amended to read as follows:

4 12-19-1. A registered voter ~~who expects to be or may be absent outside the county, state,~~  
5 ~~or the United States on the day an election is held or who may be within the county on the day~~  
6 ~~of an election but, because of permanent and total disability, illness or temporary physical~~  
7 ~~disability, the observance of a religious holiday pursuant to the tenets of his religion, resident~~  
8 ~~attendance at a school, college, or university or because of the nature and hours of his~~  
9 ~~employment, will be unable to cast his ballot at the polling place in his election district on the day~~  
10 ~~of the election and is not otherwise disqualified by law from voting in the election may vote by~~  
11 ~~absentee ballot. A member of the armed forces or of the merchant marine of the United States,~~  
12 ~~and citizens of this state temporarily residing outside the territorial limits of the United States and~~  
13 ~~the District of Columbia, and the spouses and dependents of any such persons, when residing~~  
14 ~~with or accompanying them, as those terms are defined by the Uniformed and Overseas Citizens~~  
15 ~~Absentee Voting Act (UOCAVA) (42 U.S.C. § 1973ff-6), hereinafter referred to as a federal~~  
16 ~~service voter, if registered as a voter pursuant to chapter 12-4, are entitled to vote by absentee~~



1 ~~ballot.~~

2 Section 2. That § 12-19-2 be amended to read as follows:

3 12-19-2. An absentee voter desiring to vote by mail may apply to the person in charge of the  
4 election for an absentee ballot. The application or request shall be made in writing and be signed  
5 by the applicant and state the applicant's ~~place of voting residence and the reason for which the~~  
6 ~~ballot is requested~~ voter registration address. The application or request may be used to obtain  
7 an absentee ballot for all elections in that calendar year conducted by the jurisdiction receiving  
8 the application or request if so indicated. The ballot shall be sent to the voter's residence, as  
9 shown in the voter registration file or any temporary residence address designated in writing by  
10 the voter, at the time of applying for the absentee ballot. The State Board of Elections shall  
11 promulgate rules, pursuant to chapter 1-26, to prescribe a form ~~which delineates the reasons for~~  
12 ~~an absentee ballot request and allows the voter to indicate the proper reason for the request.~~ The  
13 person in charge of the election shall stamp the application with the date it was received. The  
14 application may be made by letter or upon any form containing the required information or upon  
15 any form prescribed by the State Board of Elections or the postcard form referred to in  
16 § 12-4-8.1, executed by persons authorized in accordance with the Uniformed and Overseas  
17 Citizens Absentee Voting Act (UOCAVA) (42 U.S.C. § 1973ff) as of January 1, 2003. The  
18 person in charge of the election shall preserve a record of the name, post office address, and  
19 voting precinct of each applicant and, except as provided by § 12-19-45, deliver the record to  
20 the superintendent of the election board of the home precinct of the applicant.